

CITY OF HAYWARD AGENDA REPORT

Meeting Date <u>07/28/05</u> Agenda Item <u>4</u>

To:

Planning Commission

From:

Tim R. Koonze, Assistant Planner

Andrew S. Gaber, P.E., Development Review Engineer

Subject:

Zone Change No. PL-2005-0062 / Tentative Tract Map 7608 – Jamal Rabbani (Applicant/Owner) – Request to Change the Zoning from a Single-Family Residential (RS) District to Planned Development (PD) District and Subdivide a .7 Acre Parcel Into 7 Parcels and Construct 6

Homes

The Project Is Located at 2448 Kelly Street in a Single-Family Residential

Zoning District

RECOMMENDATION:

That the Planning Commission recommend that the City Council:

- 1. Approve the Negative Declaration;
- 2. Approve the Zone Change and the preliminary development plan subject to the attached findings and conditions of approval; and
- 3. Approve Tentative Map 7608 subject to the attached findings and conditions of approval.

DISCUSSION:

The property is within a Single-Family Residential (RS) zoning district which has a minimum lot size of 5,000 square-feet. The 38,000 square-foot property is narrow and deep, 113 feet wide by 338 feet deep, with a 10-foot cross-slope from east to west and a 20-foot downward slope away from Kelly Street to the north property line. The rear portion of the property is bisected by an Ora Loma Sanitary Sewer District sanitary sewer main within a 10-foot wide easement. The single-family home and accessory structures would be removed to accommodate the proposed development.

The property is located within an established single-family neighborhood with a mixture of both one-and two-story homes. To the west is a planned development subdivision approved in 1989. This subdivision created 18 two-story detached single-family homes on parcels ranging in size from 4,000 to 5,480 square feet.

The developer proposes to construct six single-family homes on lots ranging in size from 4,132 to 6,174 square feet. A seventh lot would be created to accommodate the 24-foot wide private street. The developer has meandered the street around three trees that are deemed to be worthy of saving per the arborist report prepared for this site.

The private street would be constructed of asphalt paving designed to public street standards. The street entrance from Kelly Street, private driveways, turnaround areas, and on-street parking areas would consist of decorative concrete. A decoratively paved four-foot-wide sidewalk adjacent to the private street would provide pedestrian access from the rear of the parcel to Kelly Street. The street would be posted for no parking on both sides to maintain adequate travel way and emergency vehicle access and include a fire truck turnaround per the recommendation of the Fire Department.

There are 30 onsite parking spaces proposed for the 6 homes. Two of the homes would have three car garages, the remainder would have two car garages. There would be two parking spaces on the driveway in front of the garages with the exception of Unit 6 which would have two parking spaces adjacent to the garage. There would be three on-street parking stalls and one additional parking stall located near the end of the street. All parking spaces would conform to the Off-Street Parking Regulations.

General Plan and Zone Change

The General Plan designation for this site is Low Density Residential 4.3-8.7 units per acre. The development at 6.9 units per acre would conform to this designation. The development meets various policies of the general plan by promoting infill development that is compatible with the overall charter of the surrounding neighborhood and encouraging visual integration of projects of differing types or densities through the use of building setbacks, landscape buffers or other design features. The project conforms to the housing element by encouraging the provision of an adequate supply of housing units in a variety of housing types which accommodate the diverse housing needs of those who live or wish to live in the city.

Building and Site Design

The varied slopes of the parcel, narrow lot width, and the need to create a private street to serve the parcels created an architectural challenge for the site, but, through creative layout and quality architectural design on each of the homes, the developer presents a well designed project. The custom designs allow for an aesthetically pleasing view both from Kelly Street and the internal private street.

The buildings are Spanish and Craftsman inspired designs with a unique appearance for each unit. All buildings would have two-story in height but because of the property slopes, the first four units would have a one-story appearance from the street. The houses would range in size from 2,521 to 2,898 square feet accommodating 4 bedrooms and 2-3 bathrooms. The detached single-family homes would be compatible with the surrounding houses.

Recognizing the privacy concerns of the adjacent residents, the architect has designed the homes abutting existing houses with a 20 foot setback and no living area windows facing adjacent houses. All units are designed to have minimum window area facing adjacent properties.

The Ora Loma Sanitary Sewer main that bisects the rear portion of the property creates a special concern. Without this impediment the parcel could be subdivided into the same number of parcels and meet the minimum 5,000 square-foot minimum lot size. In order to utilize the property to its fullest potential, the lot sizes must be reduced or the sanitary sewer main relocated. Relocating the sewer line to the rear of the property would cause the removal of a large oak tree which is not a desirable alternative.

The narrow lot width and the private street being created allow for lot depths ranging from 72 to 78 feet when typically 80 feet would be required. However, all lots have been designed with usable rear yards in excess of the 1,000 square feet achieved in a standard 50 foot by 100 foot parcel. In addition, each home has covered patios and decks providing additional usable areas.

The development design includes saving 5 trees but would require removing 28 trees. A majority of the trees to be removed are small fruit trees, acacia trees, pines trees in varying conditions of health, and two walnut trees. The largest walnut tree to be removed is a multi-trunk tree near the front of the property that is in poor condition due to rotting trunks. The smaller walnut tree is in better condition but is located in an area where it could not be saved. Replacement trees would be planted with a value equal to the value of the trees removed. The large oak tree at the rear of the property, the large maple at the property entrance, an acacia tree and two pine trees would be preserved.

Request for Planned Development

Topography, lot configuration and the Ora Loma sanitary sewer main impediment make this a difficult lot to develop. In order to develop the property to its fullest potential a number of modifications to the zoning ordinance requirements are requested, including reduced lot sizes, lot depth, and setbacks. Therefore the applicant is requesting to change the zoning of the property from Residential Single-Family (RS) District to Planned Development (PD) District. A planned development zoning would allow for additional housing units to be constructed to meet the goals and density specified by the General Plan.

The ordinance allows for this request on lots that have characteristics that make it difficult to develop as long as the project provides functional facilities or amenities not otherwise required or exceeding other development standards.

The project has exceeded development standards by providing decorative paving on all paved surfaces other than the private street travel way, the preservation of the most valuable trees on the site and creating usable open space in excess of the 1,000 square feet typically required, in addition to decks and covered patio areas.

Tentative Tract Map

A tentative tract map is required to create the seven parcels, six to accommodate the single-family homes and one for the common area. The conditions of approval will require the developer to create a homeowners association and conditions, covenants and restrictions (CC&R's). The homeowners association will consist of the six single-family homeowners. If the tentative map is approved a final map would have to be approved and filed with the Alameda County Recorder.

The intersection of the new private street is at a 90 degree angle with Kelly Street. City transportation planner's records indicate that this location does not have an unusual history or pattern of collisions and have determined that the proposed intersection would be safe and the development would not have a significant impact to the traffic pattern on Kelly Street. According to an analysis by the City's transportation planners, the proposal will not cause a substantial increase in traffic for Kelly Street and no traffic study was required.

The storm drain from the project will be directed into two systems; one is a private storm drain line installed as a condition of approval of the adjacent subdivision to the west and the other is a system that directs the storm drainage to Kelly Street where a storm drain must be extended 100 feet.

Sanitary sewer service will be provided by Ora Loma. The proposed homes will connect to the sanitary sewer main that bisects the rear of the property.

Environmental Review

An initial study and negative declaration have been prepared in accordance with the California Environmental Quality Act (CEQA) and it has been determined that this project will not result in any significant impact to the environment.

Public Hearing Notice

On February 22, 2005, a Notice of Preliminary meeting was mailed to every property owner and occupant within 300 feet of the property as noted on the latest assessor's records. The meeting was held on March 10, 2005 and was attended by nine nearby residents. They expressed concerns regarding adequate parking, safety of connecting the private street to Kelly Street, presence of an underground stream on the site, and the possible presence of septic tanks on site. Recognizing the neighborhood concerns, the developer redesigned the project and has had subsequent meetings with these neighbors and maintains that he has met most of their concerns.

A letter from the Fairview Community Club supported the project but recommended that the approved improvements included adequate site drainage and emergency vehicle access. Another letter from a Bayview Avenue resident who lives uphill from the project also supported the subdivision but wanted the trees removed that are growing near the Ora Loma sanitary sewer main and expressed concern about the proposed project having a traffic

impact at the intersection of Kelly Street and Bayview Avenue, suggesting that various improvements be made to the intersection. A letter signed by five residents living in the adjacent planned development project expressed concerns regarding the effects the proposed development would have on traffic on Kelly Street and the value of their homes. They recommended good house design, buffer from the proposed houses and adequate tree planting throughout the site. There was also concern that a PG&E easement exists on the site that could impact the site design (See Attached exhibits D, E and F).

Staff has also received phone calls from the property owners of the parcel that fronts on Kelly Street immediately to the west. They are not in support of the project and have expressed concerns regarding adequate onsite parking, the effect the additional units would have on Kelly Street traffic, and the effect the weight of the homes would have on the underground aquifer. The owner was concerned that the weight would compact the aquifer and water would seep up into his property as water is already seeping onto his property.

The development would provide 30 parking spaces, the number achieved in a typical single-family development. The City's Transportation Planner concluded that the number of trips generated from this project would have a minimal impact on Kelly Street and that this project would not significantly interfere with the flow of traffic on Kelly Street. The project has been designed with an emergency vehicle turnaround and the private street will be posted for no parking to ensure adequate emergency access.

A Geotechnical investigation was prepared for the site and did not reveal the presence of an underground stream nor of a septic tank system. The City engineering staff determined that the weight of the homes would not affect the groundwater. If a septic tank system is discovered during construction it would be removed in accordance with the appropriate regulations. Staff has reviewed the title report and it revealed no PG&E easement on the site.

A detailed drainage plan has been designed, which includes the extension of a storm drain main in Kelly Street, to ensure proper drainage of the site. Any trees near Ora Loma's sewer main would be removed as part of this application.

Conclusion

The developer has presented a well designed project that exceeds standard design by presenting creatively enhanced building designs that utilize varied architecture incorporating interesting details and a site design that provides enlarged usable areas exceeding those achieved in a standard lot configuration.

Prepared by:

Tim R. Koonze

Assistant Planner

Andrew Gaber, P.E.

Development Review Engineer

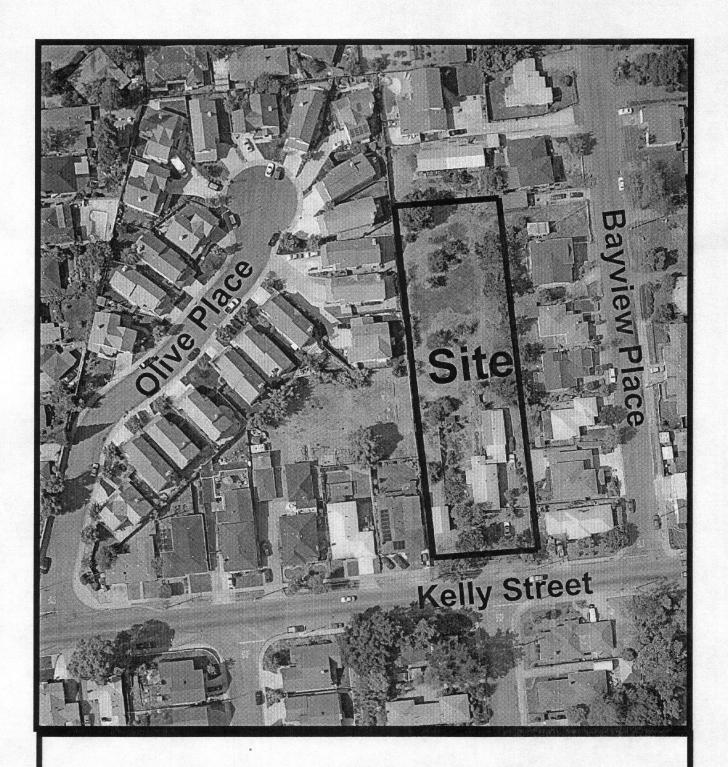
Recommended by:

Richard Patenaude, AICP

Principal Planner

Attachments:

- A. Area Map
- B. Negative Declaration and Initial Study
- C. Zone Change Findings for Approval
- D. Zone Change Conditions of Approval
- E. Tentative Map Findings for Approval
- F. Tentative Map Conditions of Approval
- G. Letter from Fairview Community Club Inc., dated March 9, 2005
- H. Letter from Olive Place Residents, dated March 9, 2005
- I. Letter from James D. and Helene M. Perrizo, dated July 10, 2005
 Zone Change Plans
 Tentative Map 7608



AREA MAP
Zone Change No. PL-2004-0473 / Tract 7608
Jamal Rabbani (Applicant/Owner)



CITY OF HAYWARD NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

Zone Change No. PL-2004-0473 and Tentative Tract Map 7608 – Request to Change the Zoning from a Single-Family Residential (RS) District to a Planned Development (PD) District and Subdivide a .7 acre parcel and build 6 Homes. – Jamal Rabbani (Applicant/Owner). The project location Is 2448 Kelly Street, in Hayward, California.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project could not have a significant effect on the environment.

FINDINGS SUPPORTING DECLARATION:

- 1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
- 2. The project will not adversely affect any scenic resources. The proposed development takes advantage of the natural slope of the property and the new homes will not affect the scenic views of the surrounding homes. The project saves the significant trees on the site and the conditions of approval require the planting of trees as part of the development requirements. Landscape plans will be required to ensure the preservation of the significant trees on-site
- 3. The project will not have an adverse effect on agricultural land since the property is surrounded by residential uses and it is too small to be used for agriculture.
- 4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit. This program will include sprinkling the site with water as needed to keep dust to a minimum.

5. The project will not result in significant impacts to biological resources such as wildlife and wetlands. The site contains no wetlands and there is no evidence that it supports any significant wildlife.

6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleonotological resources, unique topography or disturb human remains.

7. The project site is not located within a "State of California Earthquake Fault Zone", however, construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking. Furthermore, a soils investigation report will be required to ensure that building foundations are adequately designed for the soil type on-site.

8. The project will not lead to the exposure of people to hazardous materials.

9. The project will meet all water quality standards. Drainage improvements will be made to accommodate storm water runoff.

10. The project is consistent with the policies of the City General Policies Plan, and the City of Hayward Design Guidelines.

11. The project could not result in a significant impact to mineral resources because extraction of mineral resources would be infeasible due to the property being surrounded by urban uses.

12. The project will not have a significant noise impact. Any noise impacts will be limited to the construction of the project, which will be limited to the hours of 7 a.m. to 7 p.m.

13. The project will not result in a significant impact to public services.

14. The six proposed homes will not result in a significant impact to the traffic on Kelly Street nor will it result in changes to traffic patterns or emergency vehicle access.

I. PERSON WHO PREPARED INITIAL STUDY:

Tim R. Koonze, Assistant Planner

Dated: June 1, 2005

II. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4207, or e-mail tim.koonze@hayard-ca.gov.

DISTRIBUTION/POSTING

- Provide copies to all organizations and individuals requesting it in writing.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- · Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.



DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT Development Review Services Division

INITIAL STUDY CHECKLIST FORM

Project title:

Zone Change PL-2004-0473 and Tentative Tract Map 7608

Lead agency name

and address:

City of Hayward, 777 "B" Street, Hayward, CA 94541-5007

The property is located at 2448 Kelly Street, in Hayward, California.

Contact persons

and phone numbers:

Tim R. Koonze, Assistant Planner (510) 583-4207

Project location:

Project sponsor's

name and address:

702 Brown Road, Suite 101

Fremont, CA 94539

Jamal Rabbani

General Plan:

Low Density Residential (LDR)

Zoning:

Single-Family Residential (RS)

Description of project:

Request to Change the Zoning from an Single-Family Residential (RS)

District to a Planned Development (PD)District and Subdivide a .7 acre

parcel and build 6 homes.

Surrounding land

uses and setting:

Surrounded on all sides by detached single-family homes.

Other public agencies

whose approval is

required:

None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Agriculture Resources		Air Quality						
	Biological Resources		Cultural Resources		Geology/Soils						
	Hazards & Hazardous Materials		Hydrology / Water Quality		Land Use / Planning						
	Mineral Resources		Noise		Population / Housing						
	Public Services		Recreation		Transportation/Traffic						
	Utilities / Service Systems		Mandatory Findings of Signif	icance	e						
	DETERMINATION : (To be completed by the Lead Agency) On the basis of this initial evaluation:										
\boxtimes	I find that the proposed proj a NEGATIVE DECLARAT		OULD NOT have a significant ill be prepared.	effect	on the environment, and						
	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.										
	I find that the proposed pr ENVIRONMENTAL IMPA		MAY have a significant effec EPORT is required.	t on t	he environment, and an						
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.										
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.										
	Signature Rock	000	ye		<u>June 1, 2005</u> Date						
	Tim R. Koonze, Assistant Plann	<u>ner</u>			City of Hayward						

ENVIRONMENTAL ISSUES:

		Potentially Significant Impact	Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
Ι. Δ	AESTHETICS Would the project:				
a)	Have a substantial adverse effect on a scenic vista? <u>Comment</u> : The project will not affect any scenic vista.				\boxtimes
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				\boxtimes
	<u>Comment</u> : The project will not damage scenic resources. The trees being removed are not considered to be a scenic resource. The proposed homes will not affect of the views from the adjacent properties.				
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?				\boxtimes
	<u>Comment</u> : The project will not substantially degrade the visual character of the site as it is already developed with a single-family structure and ancillary building. The proposed development would be consistent with the surrounding single-family homes.				
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				\boxtimes
	<u>Comment</u> : The project will not produce any more light than what is produced by a typical single-family development.				
agı ma As Co	AGRICULTURE RESOURCES: In determining whether impacts to ricultural resources are significant environmental effects, lead agencies y refer to the California Agricultural Land Evaluation and Site sessment Model (1997) prepared by the California Dept. of inservation as an optional model to use in assessing impacts on riculture and farmland. Would the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				\boxtimes
	<u>Comment</u> : The project site is not mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.				
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				\boxtimes
	<u>Comment:</u> The project is currently zoned for single-family residential development and is not subject to a Williamson Act contract.				
c)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				\boxtimes
	<u>Comment:</u> The project is surrounding by single-family homes and would not have any impact on agricultural lands.				

		Potentially Significant Impact	Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
esta con	AIR QUALITY Where available, the significance criteria ablished by the applicable air quality management or air pollution strol district may be relied upon to make the following determinations.				
a)	Conflict with or obstruct implementation of the applicable air quality plan?				\boxtimes
	<u>Comment:</u> The project will not conflict with the Bay Area 2000 Clean Air Plan or the City of Hayward General Plan policies relating to Air Quality.				
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			\boxtimes	
	Comments: The Bay Area air basin currently exceeds both federal and state standards for ozone and state standards for particulate matter <10 microns in diameter (PM10). The project is of a relatively small scale and is not expected to generate enough vehicle trips to make a significant contribution to the existing air quality violation.				
	In order to reduce intermittent air pollutants during the construction phase, the developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation, construction equipment is maintained and operated in such a way as to minimize exhaust emissions, and if construction activity is postponed, graded or vacant land is immediately revegetated.				
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				\boxtimes
	<u>Comment:</u> The number of homes proposed is within the range specified in the City Of Hayward General Plan. The pollution generated by the new vehicle trips was determined in the EIR for the General Plan to be a less than significant impact.				
d)	Expose sensitive receptors to substantial pollutant concentrations? Comment: The project will not expose sensitive receptors to				
e)	substantial pollutant concentrations. Create objectionable odors affecting a substantial number of people? Comment: The project will not create objectionable odors affecting a substantial number of people.				

Potentially

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impaci
IV.	BIOLOGICAL RESOURCES Would the project:		•	•	•
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				
	<u>Comment</u> : The property is a relatively small parcel surrounded by urban development and does not provide a habitat for any species of concern.				
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				\boxtimes
	Comment: The site contains no riparian or sensitive habitat.				
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				
	Comment: The site contains no wetlands.				
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
	<u>Comment:</u> The site does not contain habitat used by migratory fish or wildlife nor is it a migratory wildlife corridor.				
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			\boxtimes	
	Comment: The project is in conformance with the General Polices Plan and would conform to the requirements of the Tree Preservation Ordinance. There are 27 trees proposed being removed and 7 trees would be saved. The trees being removed from this site are primarily smaller fruit trees and pine trees. Replacement trees will be planted to equal the value of the trees removed to the extent possible.				
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				\boxtimes
	<u>Comment:</u> There are no habitat conservation plans affecting the property.				

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impac
٧.	CULTURAL RESOURCES Would the project:				
a)	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				\boxtimes
	Comment: No known historical resources exist on-site.				
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				\boxtimes
	<u>Comment</u> : This site has been previously disturbed and no known archaeological resources were found.				
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	; 🗀			\boxtimes
	<u>Comment</u> : No known paleontological resources exist on-site.				
d)	Disturb any human remains, including those interred outside of formal cemeteries?				\boxtimes
	<u>Comments</u> : This site has been previously disturbed and no known archaeological resources were found	1			
VI.	. GEOLOGY AND SOILS - Would the project:				
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	;			
	<u>Comment</u> : The project is not located within the Hayward Fault Zone.	t .			
	ii) Strong seismic ground shaking?			\boxtimes	
	<u>Comment</u> : The site is not located within a "State of California Earthquake Fault Zone". The project will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking.	,	٥		_
	Impacts: Ground shaking can be expected at the site during a moderate to severe earthquake, which is common to virtually all development in the general region. The homes would be required to be constructed to the seismic codes in effect at the time of construction. This impact is considered less than significant.	!			

		Potentially Significant Impact	Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impaci
	iii) Seismic-related ground failure, including liquefaction? <u>Comment:</u> CAPEX Engineering Company prepared the report "Geotechnical Investigation Proposed Development of Seven Lots at 2448 Kelly Street, Hayward Ca for Mr. Jamal Rabbani" dated September 30, 2004. The report revealed that liquefaction is not considered to be likely on this site.				
	iv) Landslides? <u>Comment:</u> The geotechnical investigation concluded that the proposed development on this site is feasible as long as the development conforms to the design recommendations identified in the report. Conditions of approval would require all improvements to conform to the recommendations of geotechnical investigation for this site.				
b)	Result in substantial soil erosion or the loss of topsoil? <u>Comment:</u> The Engineering Division will ensure that proper erosion control measures are implemented during construction.			****	\boxtimes
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				\boxtimes
	Comment: See comment VI (a)(iv).				
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				
	Comment: See comment VI (a)(iv).				
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				\boxtimes
	<u>Comment:</u> The homes on this site would be connected to the Ora Loma Sanitary Sewer District sewer system.				
	I. HAZARDS AND HAZARDOUS MATERIALS - Would the ject:				
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				\boxtimes
	<u>Comment</u> : There is no evidence of hazardous materials at the site nor will hazardous materials be used or transported at or near the site.				

Potentially

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				\boxtimes
	Comment: See VII a.				
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				\boxtimes
	Comment: See VII a.				
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				
	Comment: See VII a.				
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				
	Comment: The project is not located within an airport zone.				
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				\boxtimes
	Comment: See VII e.				
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				\boxtimes
	<u>Comment:</u> The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the area. Emergency response times will be maintained.				
g)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				\boxtimes
	<u>Comment:</u> The project is not located in an area of wildlands and is not adjacent to wildlands.				

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
VI	I. HYDROLOGY AND WATER QUALITY Would the project:				
a)	Violate any water quality standards or waste discharge requirements? <u>Comment:</u> The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff.				\boxtimes
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	· .			\boxtimes
	<u>Comment:</u> The site will be served with water by the City of Hayward. Therefore, water quality standards will not be violated and groundwater supplies will not be depleted. Recharge of the groundwater table will be decreased as the proposal involves increasing the percentage of the site covered with impervious surfaces. This impact is deemed insignificant as there are no known wells nearby that would see a drop in production.				
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				
	<u>Comment:</u> The project is not located near a stream or a river. Development of the site will not result in substantial erosion or siltation on-or off-site.				
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				
	<u>Comment:</u> The project is within an urban area and runoff will leave the site via the City's storm drain system. Drainage patterns on the site will not cause flooding.				
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				\boxtimes
	<u>Comment:</u> The amount of run-off from the project will not exceed the capacity of the stormwater drainage system. See VIII a.				
f)	Otherwise substantially degrade water quality? <u>Comment:</u> See VIII a.				\boxtimes

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				\boxtimes
	<u>Comment</u> : According to FEMA Flood Insurance Rate Maps (panel # 065033-0004C dated 2/9/00), this site is not within the 100-year flood hazard area.				
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				\boxtimes
	Comment: See VIII g.				
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				\boxtimes
	<u>Comment</u> : The site is not within the 100-year flood zone, is not near any levees and is not located downstream of a dam.				
j)	Inundation by seiche, tsunami, or mudflow?				\boxtimes
37	<u>Comment</u> : The project is not in a location that would allow these phenomena to affect the site.		ш.		دي
IX.	LAND USE AND PLANNING - Would the project:				
a)	Physically divide an established community?			Γ	\boxtimes
a)	Comment: The project would not divide an established community in that it continues the housing pattern established in this urban residential setting.				
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				
	Comment: The area is designated on the General Policies Plan Map as Low Density Residential (LDR). The LDR designation allows between 4.3 – 8.7 units per acre. The proposal is for 6.9 units per acre. The current zoning designation is Single-Family Residential (RS). The applicant has requested to change the zoning to a Planned Development (PD) district to allow the residential subdivision. The density conforms to the underlying zoning designation.				
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan? Comment: See IV f.				\boxtimes

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
X.	MINERAL RESOURCES – Would the project:				
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				\boxtimes
	<u>Comment</u> : The project will not result in a significant impact to mineral resources since the subject site is located in an urbanized area that does not contain mineral resources that could be feasibly removed.				
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				\boxtimes
	Comment: See X a.				
ΧI	NOISE - Would the project result in:			5	
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				
	Comment: Exposure of persons to or generation of any new noise or noise levels in excess of standards established in the Noise Element of the Hayward General Plan or the Municipal Code, or applicable standards of other agencies if any, will be temporary in nature during the construction of the homes and associated improvements. All City noise standards are required to be met and maintained upon completion of construction. Grading and construction will be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday. No work will be done on Sundays or national holidays.				
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? Comment: See XI a.				\boxtimes
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? <u>Comment:</u> See XI a				\boxtimes
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? <u>Comment:</u> See XI a				\boxtimes
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? Comment: See VII e.		• 🗖		\boxtimes

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				\boxtimes
	Comment: See VII e.				
XII	. POPULATION AND HOUSING Would the project:				
a)	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			\boxtimes	
	<u>Comment</u> : The development proposes to construct six new homes within an established residential neighborhood. The associated infrastructure to be constructed would not facilitate any further development.				
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Comment: Only one house will be removed.				\boxtimes
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? <u>Comment</u> : See XII b.				\boxtimes
XII	I. PUBLIC SERVICES				
with nee of mai	uld the project result in substantial adverse physical impacts associated in the provision of new or physically altered governmental facilities, d for new or physically altered governmental facilities, the construction which could cause significant environmental impacts, in order to intain acceptable service ratios, response times or other performance ectives for any of the public services:				
a)	Fire protection?				\boxtimes
	<u>Comment</u> : The proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, schools, maintenance of public facilities, including roads, and in other government services.				
b)	Police protection?				\boxtimes
	Comment: See XIII a.				
c)	Schools?				\boxtimes
	Comment: See XIII a.	_	-	_	<u></u>
d)	Parks? Comment: See XIII a.				\boxtimes

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
e)	Other public facilities?				\boxtimes
	<u>Comment:</u> The six new homes will connect to a sanitary sewer line that runs through the property. The sewer is of adequate size and capacity to serve the proposed development. A permit must be obtained from Ora Loma Sanitary Sewer District prior to connection to the sewer line.		_		
Χľ	V. RECREATION				
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			\boxtimes	
	<u>Comment:</u> The project will add to the number of people using area parks; however the increase will not be significant enough to cause deterioration of the facilities.				
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				\boxtimes
	<u>Comment:</u> The proposal includes the construction of group open spaces, however it will not cause an adverse physical effect on the environment.				
ΧV	. TRANSPORTATION/TRAFFIC Would the project:				
a)	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				
	<u>Comment</u> : According to an analysis by the City's transportation planners, the proposal will not cause a substantial increase in traffic for Kelly Street and no traffic study was required.				
b)	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				\boxtimes
	Comment: See XV a.				
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				\boxtimes
	Comment: The project will not affect air traffic patterns.				

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			\boxtimes	
	<u>Comment:</u> The design of the intersection of the new private street at a 90 degree angle with Kelly Street. City transportation planner's records indicate that this location does not have an unusual history or patter of collisions and have determined that the proposed intersection would be safe and the development would not have a significant impact to the traffic pattern on Kelly Street.				
e)	Result in inadequate emergency access? <u>Comment:</u> The Hayward Fire Department has reviewed the project and finds the project acceptable to Hayward Fire Department requirements and standards.				
f)	Result in inadequate parking capacity? Comment: The City's Off-Street Parking regulations do not specifically address single-family development where street parking is limited. Two homes have three-car garages and the others have 2-car garages. There are a total of 29 parking spaces or 4.8 spaces per unit throughout the project.			\boxtimes	
g)	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? <u>Comment:</u> The project does not conflict with adopted policies supporting alternative transportation.				\boxtimes
XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:					
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				\boxtimes
	<u>Comment:</u> The project will not exceed wastewater treatment requirements.				
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				\boxtimes
	<u>Comment</u> : Ora Loma Sanitary Sewer District's wastewater treatment facilities are capable of handling the wastewater to be generated by the project. They must issue a permit prior to connection to their facilities				
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
	<u>Comment:</u> The project will require the construction of new facilities for storm water; however, this will not cause any significant environmental effects.				

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impaci
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				\boxtimes
	<u>Comment:</u> The City of Hayward supplies water to the site and has sufficient water to serve the project.				
e)	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				\boxtimes
	Comment: See XVI b.				
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				\boxtimes
	<u>Comment:</u> Waste Management of Alameda County will dispose the solid waste. The Altamont landfill is available to the City of Hayward until 2009 and has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year 2034.				·
g)	Comply with federal, state, and local statutes and regulations related to solid waste?				\boxtimes
	<u>Comment:</u> The project study area participates in the Waste Management of Alameda County recycling program. Construction and operation of the project will comply with all federal, state and local statutes and regulations related to solid waste.				

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
χv	II. MANDATORY FINDINGS OF SIGNIFICANCE				
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				\boxtimes
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				\boxtimes

CITY OF HAYWARD PLANNING DIVISION

July 28, 2005

Zone Change No. PL-2004-0473 / Tentative Tract Map 7608 – Jamal Rabbani (Applicant/Owner) – Request to change the zoning from a Single-Family Residential (RS) District to Planned Development (PD) District and subdivide a .7 Acre parcel into 7 parcels and construct 6 homes. The Project Is Located at 2448 Kelly Street

FINDINGS FOR APPROVAL

Findings for Approval – Preliminary Development Plan:

- A. Approval of Zone Change Application No. 2004-0473, as conditioned will not cause a significant impact on the environment as documented in the Initial Study. A Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) guidelines.
- B. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies in that it is a single-family development within a single-family neighborhood and adjacent to another small lot subdivision. The proposed density meets the General Plan goals and meets applicable City policies by providing ownership housing.
- C. The streets, utilities, existing and proposed, are adequate to serve the development.
- D. The development creates a residential environment of sustained desirability in that the units are well designed and the parcels have over 1,000-square-feet of usable open land providing adequate recreation space.
- E. Any latitude or exceptions to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standard. The exceptions requested for a reduced lot size, and reduced setbacks is offset with enhanced architectural and site design, decorative paving on all paved surfaces other than the private street travel way, the preservation of most valuable trees on the site and creating more than the 1,000 square feet of usable open space.

Findings for Approval – Zone Change:

- F. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the Planned Development District will allow a project providing ownership housing which is supported by the Housing Element of the General Plan.
- G. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans in that the zoning change is consistent with the General Plan designation.
- H. All uses permitted when the property is reclassified will be compatible with present and potential future uses with the beneficial effect of creating ownership housing.

CITY OF HAYWARD PLANNING DIVISION

CONDITIONS OF APPROVAL

Zone Change No. PL-2004-0473 – Jamal Rabbani (Applicant/Owner) – Request to Change the Zoning from a Single-Family Residential (RS) District to Planned Development (PD) District and Subdivide a .7 Acre Parcel Into 7 Parcels and Construct 6 Homes

The Project Is Located at 2448 Kelly Street in a Single-Family Residential (RS) District.

CONDITIONS OF APPROVAL:

- 1. Zone Change No. PL-2004-0473 is approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void two years after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.
- 2. This approval is void one year after the effective date of approval unless the Precise Development Plan has been submitted for review and processing in accordance with all conditions of the Preliminary Development Plan. If the Precise Development Plan is not submitted within the time period provided, a maximum of two, 1-year extensions may be approved by the City Council. A request for an extension of time must be submitted to the Planning Division at least 30 days prior to the expiration date.
- 3. The approval of this development is subject to the approval of Tentative Map No. 7608 and the associated conditions of approval. No building permit shall be issued for any structure within this application until the City Council has approved the final map and said map is recorded.
- 4. If a building permit is issued for construction of improvements authorized by the zone change approval, the zone change approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the site plan review approval.
- 5. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.

- 6. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
- 7. The precise plan submittal shall include the following:
 - a. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - b. Provide a detail of the 6-foot-high solid board fence that shall be constructed throughout the project including the property perimeter. The design shall be approved by the Planning Director.
 - c. Provide details of a 20-foot wide decorative paving area at the private street entrance with Kelly Street and for all parking and driveway areas.
 - d. Trees shall be preserved in accordance with the Tree Preserve Ordinance. Prior to commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes.
 - e. Provide a preservation plan to preserve the trees to be preserved. The plans shall include preservation methods during and after construction. The plans shall be approved the City's Landscape Architect.
 - f. Provide a detailed landscaping and irrigation plan prepared by a licensed landscape architect for the common landscape areas and the front yards. The front yards shall be limited to a maximum 50 percent Fescue turf. Landscaping shall comply with the City's Water Efficient Landscape Ordinance. The plans shall be approved by the City's Landscape Architect.
 - g. Plans showing that where landscape areas adjoin driveways or parking areas, Class B Portland Cement concrete curbs are to be constructed to a height of 6 inches above the adjacent finished pavement.
 - h. The Kelly Street frontage shall be improved with a street light and a sidewalk across the property frontage. The design and location shall be approved by the City Engineer.
 - i. Decorative street lights shall be installed along the proposed private street. The number of light standards, location and design shall be approved by the City Engineer and the Planning Director.
 - j. Details for exterior illumination for the homes. Lighting fixtures shall be of a decorative design that compliments the architectural style of the buildings.

- k. Samples of exterior colors and building materials.
- 1. Details of screening all above-ground utilities meters.
- m. Location of transformers which shall not be visible from the street.
- n. Location of meters and screening devices.
- o. Location of trash and recycling containers.
- 8. The building permit submittal shall include the following:
 - a. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - b. Provide a detail of the 6-foot-high solid board fence that shall be constructed throughout the project including the property perimeter. The design shall be approved by the Planning Director.
 - c. Provide details of a 20-foot wide decorative paving area at the private street entrance with Kelly Street and for all parking and driveway areas.
 - d. Trees shall be preserved in accordance with the Tree Preserve Ordinance. Prior to commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes.
 - e. A tree removal permit is required prior to the removal of any trees. The developer will be required to comply with the City's Tree Preservation Ordinance in terms of providing replacement trees of like value, as determined by the City Landscape Architect.
 - f. Provide a preservation plan to preserve the trees to be preserved. The plans shall include preservation methods during and after construction. The plans shall be approved the City's Landscape Architect.
 - g. Prior to approval of improvements plans or issuance of the first building permit, detailed landscaping and irrigation plan prepared by a licensed landscape architect for the common landscape areas and the front yards. The front yards shall be limited to a maximum 50 percent Fescue turf. Landscaping shall comply with the City's Water Efficient Landscape Ordinance. The plans shall be approved by the City's Landscape Architect.
- 9. Provide one 24-inch box street tree for each lot which is 50 feet wide or less. Lots greater than 50 feet shall have two street trees. On a corner lot, there should also be one 24-inch box tree 400 feet or fraction thereof along the side yard. The trees should be 20-feet from the corner, 10 feet from a light pole, and 5 feet from any

- utility. There should never be a case where a lot does not have at least one street tree. Trees shall be planted per City standard detail SD-122.
- 10. Landscaped areas adjoining drives or parking areas shall be separated by a 6-inch high class B Portland Cement Concrete curb.
- 11. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwellings, whichever occurs first. All individual landscaping shall be installed prior to occupancy of each unit and prior to final acceptance of tract improvements.
- 12. A Certificate of Substantial Completion and an irrigation Schedule shall be submitted prior to issuance of a Certificate of Occupancy for each unit.
- 13. Prior to the sale of any unit, or prior to the acceptance of site improvements, whichever first occurs, a homeowners' association shall be created to maintain the private street, parking bays, private storm drain, common area landscaping and common fencing as depicted on the approved Tentative Map Tract 7608 and CC&Rs prepared for the project which shall be reviewed and approved by the Planning Director that shall include the following conditions:
 - a. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
 - b. A reserve fund shall be maintained to cover the costs for the replacement and/or repair of the private street, parking bays, private storm drain, common area landscaping and common fencing.
 - c. The association shall be managed and maintained by a professional property management company.
 - d. The private street, parking bays, private storm drain, common area landscaping, and common fencing shall be maintained in good repair, and free of debris at all times.
 - e. All common improvements shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 72 hours of inspection or within 72 hours of notification by the City's Community Preservation Officer.
 - f. The homeowners' association shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The homeowner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent dieback) shall be replaced within 15 days of notification to the homeowner. Plants within the common area shall be replaced within two weeks of the inspection.
 - g. Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions

- of the common area at the expense of the homeowners association per Section 10-3.385 of the Subdivision Ordinance.
- h. A tree removal permit is required prior to the removal of any tree with a diameter of 8-inches or larger.
- i. Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the Landscape Architect, within the timeframe established by the City and pursuant to the Municipal code.
- j. A provision that if the homeowners' association fails to maintain the private street and parking bays, private storm drain, common area landscaping, and common fencing so that owners, their families, tenants, guests or adjacent owners suffer or will suffer substantial diminution in the enjoyment, use or property value of the project, the City of Hayward shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the private street, parking bays, and common landscape areas, after reasonable notice, and lien the properties for their proportionate share of the costs.
- k. Each resident shall participate in the City's recycling program.
- 1. The applicant or homeowners association shall maintain in good repair the private street, parking bays, common area landscaping and fencing, lighting, drainage facilities, etc. These maintenance responsibilities shall including implementing and maintaining BMP's associated with improvements and landscaping. CC&R's creating the association shall be reviewed and approved by the City Attorney prior to recordation of the final map and recorded prior to the sale of the first residential unit. The CC&R's shall describe how the storm water BMP's associated with privately owned improvements and landscaping shall be maintained by the association.
- 14. Construction hours shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Saturday. No construction work will be allowed on Sundays or holidays.
- 15. Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.
- 16. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
- 17. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
- 18. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.

Fire Department:

19. The private street shall be constructed to public street standards and capable of

- supporting 50,000 gross vehicle weight.
- 20. Other than the parking bays there shall be no parking on the private street. The street shall be maintained as a fire lane. The curbs shall be painted red and fire lane signage shall be installed along the driveway as required per Hayward Fire Department standards.
- 21. The fire apparatus turning area shall be maintained and shall be posted with signage and red painted curbs.
- 22. The private street grade shall not exceed 15 percent.
- 23. A new fire hydrant shall be installed near the fire apparatus turnaround. The hydrant shall be installed per East Bay Municipal District standards and shall meet a minimum fire flow of 1,500 gallons per minute at 20 pounds per square inch. Crash post protection may be required for the hydrant if it is installed in an unprotected area susceptible to potential vehicular impact.
- 24. A blue reflective street marker shall be installed on the private street adjacent to the fire hydrant location.
- 25. Addresses numbers shall be a minimum four-inch high self-illuminated numbers in a location of the building visible from Kelly Street or the private street.

Public Works – Utilities Division:

- 26. Add the note water and sanitary sewer service available subject to standard conditions and fees in effect at time of application.
- 27. The Kelly Street frontage shall be improved with a street light and a sidewalk across the property frontage. The design and location shall be approved by the City Engineer.
- 28. Decorative street lights shall be installed along the proposed private street. The number of light standards, location and design shall be approved by the City Engineer and the Planning Director.

Solid Waste & Recycling:

- 29. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.
- 30. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.

FINDINGS FOR APPROVAL TENTATIVE TRACT MAP 7608

- 1. The approval of Tentative Map Tract 7608, as conditioned, will have no significant impact on the environment, cumulative or otherwise. A Negative Declaration was prepared per the guidelines of the California Environmental Quality Act (CEQA) for the development of this site.
- 2. The tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan, and the City of Hayward Zoning Ordinance.
- 3. The site is physically suitable for the proposed type of development.
- 4. The design of the subdivision and the proposed improvements are **not** likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- 5. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.
- 6. Existing streets and utilities are adequate to serve the project.
- 7. None of the findings set forth in Section 64474 of the Subdivision Map Act¹ have been made.

 $^{^{1}}$ The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

⁽a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

⁽b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

⁽c) That the site is not physically suitable for the type of development.

⁽d) That the site is not physically suitable for the proposed density of development.

⁽e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

⁽f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

⁽g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

CONDITIONS OF APPROVAL TENTATIVE TRACT MAP 7608

Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

The applicant/developer's engineer shall perform all design work unless otherwise indicated.

IMPROVEMENTS

Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

Kelly Street

- 1. An Encroachment Permit must be obtained prior to the start of any construction within the public right-of-way.
- 2. Curb, gutter, sidewalk and conform paving shall be constructed across the entire project frontage. Handicap ramps shall be installed where required by the City Engineer. Trees along the street frontage shall be protected in place and shall remain unless removal is authorized by the City Landscape Architect.
- 3. The entrance to the development shall be designed as a street type opening and not as a driveway entrance. Curb returns shall have a minimum radius of 30 feet at the curb face unless it can be shown that a smaller radius is necessary and is approved by the City Engineer.
- 4. New standard streetlights shall be installed along the street frontage. The design and location shall be approved by the City Engineer.
- 5. Existing overhead utilities along the projects side of Kelly Street shall be undergrounded.

Interior Private Street

6. The interior private street shall have a 25 foot right-of-way width, 24 feet curb to allow for two travel lanes. The street design shall utilize standard curb and gutter. The street sections shall be constructed to public street standards.

- 7. Upon any necessary repairs to City facilities under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the homeowners association established to maintain the private street, driveway and common area within the subdivision boundary.
- 8. All of the private driveway and the private street shall be designated as fire lanes and no parking will be allowed except in the designated parking areas or the pullout. Curbs shall be painted red and fire lane signage installed every 100 linear feet. Installation of red-curbing and signs shall meet Fire Department and City Engineer standards.
- 9. The hammerhead intersection shall be designed to meet Fire Department access and turning requirements. The decorative pavement shall be designed to support a 50,000 GVW load.
- 10. Streetlights and pedestrian lighting shall be owned and maintained by the homeowners association and shall have a decorative design approved by the Planning Director and the City Engineer.
- 11. Driveways shall be a minimum of 20 feet deep between the back of curb or back of sidewalk, as appropriate.
- 12. Visitor parking spaces shall meet City standards for dimensions and back up requirements. The CC&R's shall reflect that visitor parking spaces shall be utilized only for guest parking. Vehicles of owners/occupants may park in the spaces, but not to exceed 4 hours per day.

Landscaping and Irrigation

- 13. Prior to the approval of the improvement plans a detailed landscaping and irrigation plan for the site shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Water Efficient Landscape Ordinance*.
- 14. Within all required landscape areas, a complete automatic sprinkler system with an automatic on/off mechanism shall be installed. A hose bib shall be provided within each private yard.

Storm Drainage

- 15. The on-site storm drain system shall be a private system owned and maintained by the homeowners association or property owners.
- 16. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the Alameda County Flood Control and the City Engineer. The hydrology study shall substantiate that there will be no net increase in the quantity of runoff from the site versus the flow rate derived from the

- original design of downstream facilities. If there is augmented runoff, off-site and/or onsite mitigation measures will be necessary.
- 17. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system. The plan shall meet the approval of the City Engineer.
- 18. The developer shall provide a copy of the Notice of Intent filed with the State Water Resources Control Board, prior to the issuance of a grading permit for the project site.
- 19. The project plans shall include storm water measures for the operation and maintenance of the project to be approved by the City Engineer. The project plans shall identify and incorporate Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff. Roof leaders shall discharge into a landscaped area prior to storm runoff entering a pipe system.
- 20. The developer shall prepare a Maintenance Agreement for storm water BMP's constructed as part of this project. The Maintenance Agreement shall be reviewed and approved by the City prior to recordation with the Alameda County Recorder's Office. The Agreement shall be recorded to ensure that the responsibility for maintenance is bound to the property in perpetuity.
- 21. The project street and parking areas shall be designed to facilitate street sweeping. The HOA shall be responsible for street sweeping on a regular basis.
- 22. The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
- 23. The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
- 24. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all the areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
- 25. All storm drain inlets must be labeled "No Dumping Drains to Bay" using City approved methods.
- 26. Storm water inlets shall be installed at the curb face per the City of Hayward Standard Details. The design and location shall be approved by the City Engineer.

Sanitary Sewer System

27. Sanitary sewer service is available from the Oro Loma Sanitary Sewer District, subject to standard conditions and fees in effect at the time of application.

Water System

- 28. Water service is available from the East Bay Municipal Utilities District and is subject to standard conditions and fees in effect at the time of application.
- 29. A fire hydrant shall be provided within the development and location shall be approved by the Fire Department prior to start of construction. Fire hydrant locations shall be identified with blue reflective pavement markers installed in the street adjacent to the fire hydrant.
- 30. Fire hydrants shall be double steamer type which shall be installed per City standards. Crash post protection may be required for the fire hydrant if it is installed in an unprotected area susceptible to potential vehicular impact.
- 31. Fire flow requirements for this development shall be 1,500 gallons per minute at 20 psi.

Utilities

- 32. All utility services shall be "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, SBC and SBC Broadband Company regulations. Transformers, and switch gear cabinets, shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.
- 33. The joint trench for the homes must be placed within the private street and private driveway so as not to conflict with the installation of required street trees and landscaping.
- 34. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the subdivision.
- 35. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
- 36. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

Fire Protection

- 37. Each house will require interior smoke detectors (hard wired with battery backup) per the CBC.
- 38. Addressing for each building as well as individual townhouses units shall be assigned and approved by the Fire Department. Numbers shall be a minimum of 4 inches in height (self-illuminated) or 6 inch tall if on a contrasting background, and be visible from the street.
- 39. Approved spark arrestors shall be installed on chimney caps.

Retaining Walls

40. All retaining walls shall be constructed with decorative reinforced concrete. The exposed face of any retaining wall shall not exceed 6 feet from ground to top of wall.

Dedications, Easements and Deed Restrictions

- 41. The final map shall reflect:
 - a. Dedication of right-of-way along Kelly Street to allow widening of the street to its ultimate width.
 - b. Five-foot-wide public utility easements (PUE) along the edge of the public/private streets where necessary as determined by the City Engineer.

Subdivision Agreement

42. Execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

- 43. Required water system improvements shall be completed and operational prior to the start of combustible construction to the satisfaction of the Fire Chief.
- 44. A minimum 24-foot-wide all-weather access road, engineered for 50,000 pounds gross vehicle weight, shall be maintained for emergency vehicle access.

DURING CONSTRUCTION

The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:

- a. Grading and construction activities shall be limited to the hours 7:00 AM to 6:00 PM on weekdays and Saturdays; there shall be no grading or construction activities on Sundays or holidays;
- b. Grading and construction equipment shall be properly muffled;
- c. Unnecessary idling of grading and construction equipment is prohibited;
- d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
- e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents (within 200 feet of the project boundary) with this information.
- f. The developer shall participate in the City's recycling program during construction;
- g. Daily clean-up of trash and debris shall occur on Kelly Street and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
- h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site:
- j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- 1. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- n. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;

- o. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- p. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
- q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
- r. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
- s. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
- t. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information;
- u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
- v. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
- 46. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
- 47. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.
- 48. The developer shall be responsible to adhere to all aspects of the Storm Water Pollution Prevention Plan (SWPPP) as approved per condition of approval No. 8 above.

- 49. Construction Administration services shall be provided by the project landscape architect. Services to include:
 - a. Observation of irrigation system before burying pipes;
 - b. Observation of plant material upon delivery to the site;
 - c. Observation of layout and placement of plant material upon delivery to the site;
 - d. Observation for maintenance period commencement; and
 - e. Observation for final acceptance.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

- 50. The applicant/developer shall pay the following fees, the amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits;
 - a. Supplemental Building Construction and Improvement Tax;
 - b. School Tax; and
 - c. Park In-lieu fees for each dwelling unit at the rate in effect when the building permit for unit is issued.
- Any damaged curb, gutter and/or sidewalk along the Kelly Street property frontage shall be repaired or replaced to the satisfaction of the City Engineer.
- 52. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
- 53. The on-site street light electroliers shall be in operating condition as approved by the Planning Director and the City Engineer.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

54. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.

- 55. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.
- 56. The improvements associated with the Pacific Gas and Electric Company, EBMUD, SBC and ComCast shall be installed to the satisfaction of the respective companies.
- 57. The subdivider shall submit an "as built" plan indicating the following:
 - a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric Company, EBMUD, SBC and Comcast, etc; and
 - b. All the site improvements, except landscaping species, buildings and appurtenant structures.

FAIRVIEW COMMUNITY CLUB INC.

(A Non-Profit Organization)
3059 Rate and Lay

HAYWARD, CALIFORNIA 94543

Sponsors: Fairview Hills Nursery School

9 March 2005

City of Hayward Planning Division 1st Floor 777 "B" Street Hayward, CA 94541 APPLICATION NO. PL-2005-0063 TTM7608

ATTENTION: Mr. Andrew S. Gaber, PE, Staff Planner

CHANGE SINGLE FAMILY RESIDENTIAL ZONING TO PLANNED DEVELOPMENT, 6 LOTS AT 2448 KELLY STREET, HAYWARD, 645 94541, TENTATIVE MAP # 7608, OWNER MR. JAMAL RABBANI

This is to acknowledge receipt of your referral of subject application for Zone change of one lot consisting of 43,461 square feet into 6 lots at 2448 Kelly Street, Hayward, CA 94541.

I met this morning with Mr. Jamal Rabbani, Owner of property at 2448 Kelly Street, Hayward. We walked the area of the property discussing the Tentative Map Tract # 7608.

This property has some serious drainage problems that will require a drainage system that will not adversely impact the surrounding properties on Olive Place that backs up to the eastern boundary of this site. There appears to be a natural drainage in the area of the Emergency Vehicle turn-around that need to be addressed before the final map.

There are several retaining walls on the property that does not appear on the Tentative Map. These retaining walls should be addressed before sub-dividing the property.

The area of the Emergency Vehicle turn-around between lots 3 & 4 has three(3) parking spaces at the end of the turn-around. The curbs on both sides of the turn-around should be painted red and posted "No Parking". It is questionable whether the three (3) visitors parking spaces at the end of the Emergency Vehicle turn-around is sufficient visitors parking, since there is "No Parking" on Kelly Street between Bayview Avenue and Olive Place.

At the end of the Emergency Vehicle turn-around is a vacant area 28'x 16' or 448 square feet. This "No Mans land" should be divided equally with lots 3 & 4 and added to these lots for the care and maintenance This will eliminate future problems of caring and maintenance of this area.

East Bay MUD and Hayward services some parts of this area. It is our concern that a definite decision be made as to what Utility will service this development during the early part of the approval process.

The Private Street (Kelly Estate Court)should be posted "NO Parking" and curbs on both sides of the street be painted red.

Page 2

City of Hayward Planning Division 1st floor continued Application No. PL-2005-0063 TTM 7608, 2448 Kelly Street, Hayward

The Fairview Community Club recommends:

- 1. Approval of the Planned Development Zoning for this Sub-Division, Tract Map # 7608.
- 2. A drainage system be developed that will not adversely impact the surrounding properties on Olive Place which backs up to eastern boundary of this site and properties on Kelly Street at 2418, 2386, 2336, 2334, 2332, and 2290.
- 3. The 448 square feet area at the end of the Emergency Vehicle turn-around be divided equally by adding 224 square feet to Lot 3 and 244 square feet to Lot 4.
- 4. The curbs of the Private Street (Kelly Estate Court) and the Emergency Vehicle turn-around be painted red and posted "No Parking".

Yours truly,

CHARLES L. SNIPES

President

cc: Mr. Jamal (Rabbani (Owner) Residents Olive Court

Residents on Kelly Street address listed in Recommendation # 2

Olive Place Residents

March 9, 2005

City of Hayward Planning Division 777 B Street Hayward, California 94541-5007

Dear Mr. Gaber and Mr. Koonze:

As residents of Olive Place, we have many concerns regarding the proposed zoning change and subsequent development at 2448 Kelly Street. The proposed development borders the rear of our properties. Because it will literally be located just beyond our back yards, we would like to be ensured that any negative impacts be adequately mitigated. Following is a list of our concerns.

- The first issue is that we were told by the Olive Place Developer (Randy Reinhart) that 2448 Kelly Street contained a P G & E easement and would never be built upon. This is one of the main reasons residents were attracted to this area. If there is truth to this, we are concerned about potential problems related to development adjacent to or on top of this easement and how these problems have or will be mitigated.
- Traffic is a major concern for this area. During peak traffic hours, the area is already overly congested. Traffic backs up on B, Center, and Kelly Streets. We are concerned about traffic impact studies being conducted for cumulative development in this area. In addition, motorists traveling down Kelly speed up to 50 miles per hour. It is just a matter of time before a head on collision occurs between these motorists and motorists that have stopped to make a left turn onto Olive Place. Because placing more homes above Olive Place adds more traffic, thereby contributing to the problem, a stop sign should be placed on the north side of Kelly at Olive Place. This will better control the additional amount of traffic added to Kelly.
- The design of these homes is critically important to maintaining our property values. We want to ensure that the utmost consideration is given to this issue.
- Our properties need to be adequately buffered from this development and any future roadway. We are concerned about how this will be accomplished.
- We are concerned that adequate aesthetics (i.e., Trees or other aesthetically pleasing features) be incorporated into the development to ensure that the value of are properties are not diminished.

We appreciate all opportunities to provide input throughout the development process. Please contact Elton Broudy at (510) 537-3116 to discuss the issues regarding this development.

Sincerely,

Olive Place Residents

Donald Robins 22738

MAPL 22750

Jan Sep 22766

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²⁰⁰ − 11 51 2005

PLANNING DIVISION

Tim R. Koonze/ Andrew Gaber, P.E. City of Hayward, Planning Division 777 "B" Street Hayward, CA 94541

July 10, 2005

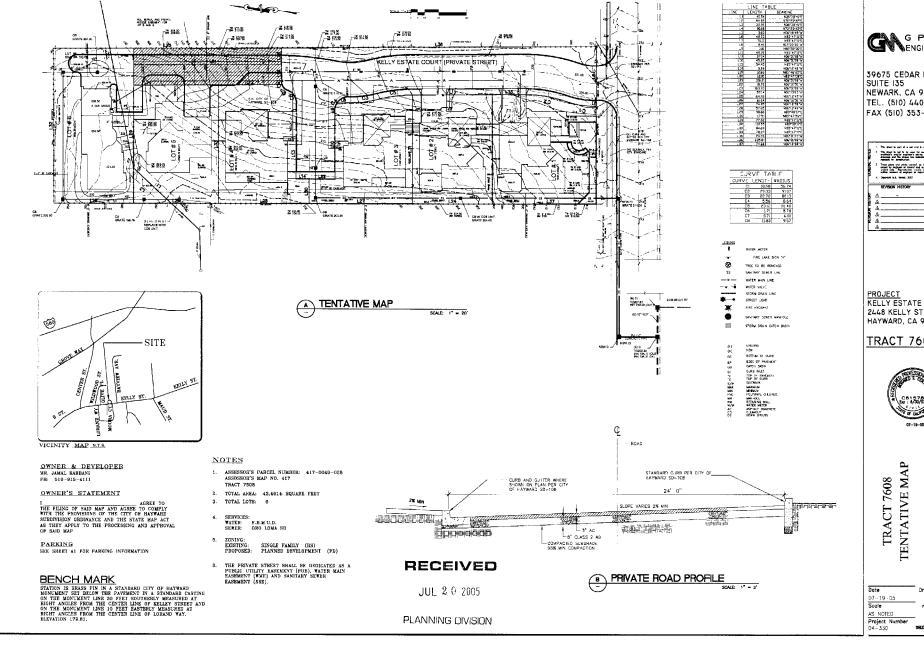
James D. & Helene M. Perrizo 22797 Bayview Avenue Hayward, CA 94541

Ref: (ZC) PL-2005-0062/ (TTM 7608) PL-2005-0063

Dear Sirs:

First, my wife and I support new single family homes in our neighborhood. That said, we have several concerns about the property development at 2448 Kelly Street:

- 1. The property has not been maintained for weed abatement and is covered with tall weeds that constitute a fire hazard. Fortunately, no fires started on the property over the 4th of July weekend, even though a multitude of fireworks and bottle rockets were ignited in the vicinity.
- 2. Trash has accumulated on the property and constitutes a health hazard.
- 3. The intersection of Kelly Street and Bayview Avenue is a known traffic hazard, with many accidents at the intersection and onto the properties adjacent to Kelly Street on Bayview Avenue. Vehicles have careened over the curbs on Bayview Avenue after turning off Kelly Street and contacted and damaged houses on both corners. I have personally lost two of my vehicles that were totaled by other cars on Bayview Avenue.
- 4. There is a sewer easement that runs along the entire east side of the 2448 Kelly Street property. This same easement occupies the west rear side of each individual property abutting from the Bayview Avenue side. Several properties have large trees with deep roots overlying this clay sewer lateral that services a half dozen properties on Bayview Avenue. I suggest that a retaining wall be built on the east end of the property of 2448 Kelly Street and that the tall trees that overlay the clay pipe lateral be removed. Access to this lateral should be maintained from the 2448 Kelly Street property.
- 5. Several simple improvements can be done now to the Kelly/Bayview intersection to enhance safety:
 - a. Paint the curbs along Kelly/Bayview RED to preclude parking at and along that intersection. The Bayview intersection should be at least 50 feet from the junction that prohibits any parking near this intersection. A double yellow line should be painted dividing Bayview Avenue from the start of the street northernly for 50 feet.
- 6. Something should be done to redesign the intersection at Kelly/Bayview.



G PLUS M

39675 CEDAR BLVD NEWARK, CA 94560 TEL. (510) 440-0300 FAX (510) 353-0200

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2448 KELLY ST. HAYWARD, CA 94541

TRACT 7608



Date	Drawing Number
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PROJECT CONTACTS PROJECT DATA: PARKING REQUIREMENTS CLIENT **KELLY ESTATES** OWNER'S PARKING PROVIDED SPACES GUEST PARKING TOTAL PARKING 6 UNITS SINGLE FAMILY SUBDIVISION JAMAL RABBANI APN: 417-040-028 COVERED UNCOVERED COVERED UNCOVERED REQUIRED PROVIDED REQUIRED PROVIDED 4423 BUSH CIRCLE Planned Unit Development For 6 OCCUPANCY GROUP FREMONT, CA 94538 FOR SALE TOWNHOMES V-1-NR NO 30 PH # (510)-933- 1111 /FAX (510)-438-4480 CONSTRUCTION TYPE Single Family Lots Subdivision FIRE SPRINKLERS NUMBER OF STORIES CELL (510)-915-4111 **DESIGN CONSULTANT** 2448 Kelly Street, Hayward, CA EDGE CONCEPTS INC LOT / BUILDING INFO: 38833 RELLIST APT # 210 FREMONT, CA 94536 PH: 510-396-2149/ FAX: 510-792-7220 LANDSCAPE ARCHITECT OWNER: KELLY ESTATES HAYWARD, LLC LOT 1 LOT 2 LOT 3 LOT 4 LOT 5 LOTE TOTAL WESLEY T. SAKAMOTO 702 BROWN ROAD, SUITE 101 665 HOLLYHOCK DR LOT AREA 5840.51 SQ.FT 4461.21 SQ.FT 4132.28 SQ.FT. 4818.13 SQ.FT. 6695.77 SQ.FT. 33400.8 SQ.FT. SAN LEANDRO, CA 94578 7652.9 SQ.FT. FREMONT, CA 94539 **CIVIL ENGINEER** FOOTPRINT 2110.18 SQ.FT. 2110.18 SQ FT 1965 80 SO ET 1784 03 SO ET 2009.85 SQ.ET. 2009.85 SQ.ET. 11989.89 SQ.FT. MOHAMED S. GENIDY (G+M ENGG) PH: (510) 933-1111 LOT COVERAGE % 37.41 4785 DEEP CREEK RD 47.30 48.63 46 87 29.35 23.31 FREMONT, CA 94539 F.F/BAS. HABITABLE (1399.07 SQ.FT. 1399.07 SQ.FT. 1384.55 SQ.FT. 1384 55 SQ FT 1397.13 SQ.FT. 1338.35 SQ.FT. PH: 510-377-7866/ FAX: 510-894-2572 GEOTECHNICAL ENGINEER S E HABITARI E 1421.9 SQ.FT 1433.04 SQ.FT. 1286.54 SQ.FT. 1286.54 SQ.FT. 1529.90 SQ.FT. GARY HSU TOTAL HABITABLE 2820.97 SQ.FT. 2832.11 SQ.FT. 2671.09 SQ.FT. 2671.09 SQ.FT. 2927.03 SQ.FT. 2592.90 SQ.FT, 16515.19 SQ.FT CAPEX ENGINEERING P O BOX 14198 FREMONT, CA 94538 TOTAL SITE AREA = 43461.37 SQ.FT. TOTAL LANDSCAPE(SOFTSCAPE) AREA = 43461.37 - 25056.67 SQ.FT PH: (510)-668-1815 = 18404.7 SQ.FT.; 42.3 % OF TOTAL SITE AREA TOTAL IMPERVIOUS AREA = 11989.89 (TOTAL FOOTPRINT) + FAX: (510)-490-8690 13065.78 (HARDSCAPE) = 25056.67 SQ.FT LAND SURVEYOR RALPH MASLOFF SYMBOLS DRAWING INDEX: 23 SHEETS GL+A CIVIL ENGINEERS VICINITY MAP 414 MASSON ST. SANFRANCISCO PH: 415-956-6707 DRAWING TITLE MISC. NOTES ARCHITECTURAL DRAWINGS (A) TITLE ARBORIST NEW FINISH GRADE DRAWN 045 COVER SHEET COVER SMEET SITE PLAN / DEMOLITION PLAN SITE PLAN/FLOOR PLANS UNIT #1-3 SITE PLAN/FLOOR PLANS UNIT #4-6 SITE PLAN/ROOF PLANS UNIT #1-8 TIM HEWITT ISA MASTER REFERENCE GRIDS G850 EXISTING GRADE SHOWN HORIZONTALLY 22493 VICTORY DRIVE HAYWARD, CA 94541 ELEVATION LEVELS UNIT #1-FIRST & SECOND FLOOR PLANS UNIT #2-FIRST & SECOND FLOOR PLANS SCOPE OF WORK UNIT #3-FIRST & SECOND FLOOR PLANS ELEVATION LINIT #4-FIRST & SECOND FLOOR PLANS UNIT #5-FIRST & SECOND FLOOR PLANS UNIT #6-FIRST & SECOND FLOOR PLANS NEW OR FINISHED CONTOURS DIMENSIONS - INDICATED IN ENGLISH, TYP TO DEMOLISH ALL EXISTING STRUCTURES INCLUDING SINGLE UNIT #1-EXTERIOR ELEVATIONS FAMILY HOME, DETACHED CAR PORT, ALL RETAINING WALLS EXISTING CONTOURS UNIT #2-EXTERIOR ELEVATIONS AND OTHER STRUCTURES AS SHOWN ON THE DEMOLITION. 2'-6" UNIT #3-EXTERIOR ELEVATIONS PLAN. DEMOLITION WORK ALSO INCLUDES REMOVAL OF ALL UNIT #4-EXTERIOR ELEVATIONS CHAIN LINK FENCES AND TREES INCLUDING MOST FRUIT UNIT #5-EXTERIOR ELEVATIONS UNIT #6-EXTERIOR ELEVATIONS DRAWING DETAIL REFERENCE SYMBOL PROPOSAL FOR NEW WORK LANDSCPE DRAWINGS PROPOSAL INCLUDES SUBDIVISION OF LAND INTO SIX SINGLE LANDSCAPING PLAN FAMILY HOMES AND PRIVATE PARCEL INCLUDING PRIVATE DETAIL NUMBER STREET (KELLY ESTATE COURT), LANDSCAPE AND COMMON CIVIL DRAWINGS C1 SITE LAYOUT PLAN CITY OF HAYWARD SECTION KEY MARKS ROAD PROFILE PROJECT SITE IS LOCATED ON KELLY STREET WITH TM TENTATIVE MAP FRONTAGE OF ABOUT 112 FEFT ALONG KELLY, PROPERTY IS 110V OUTLET ABOUT 390 FEET DEEP, NECCESIATING A FIRE TRUCK TURN AROUND ON THE PRIVATE STREET. G.F.C.J. OUTLET SWITCH DIMMER SWITCH EXTERIOR ELEVATION REFERENCE MARKS Project # PROPOSAL INCLUDES 6 NEW SINGLE FAMILY HOMES, EACH TELEPHONE WITH ITS OWN CHARACTER AND CHARACTER OF

TELEVISION

CHANDELIER

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CEILING MOUNTED LIGHT

SMOKE DETECTOR (110V W/ BATTERY BACKUP)

HIGH EFFICIENCY LIGHT - 40 LUMENS/WATT

HOSE RIB 9W/BACKFLOW PREVENTOR)

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CHANGES AND HILL SIDE ORDINANCE, THEY ARE DESIGNED

THIS P.D. APPLICATION INCLUDES PLANNING APPROVAL FOR

THE DESIGN OF UNITS - FLOOR PLANS AND ELEVATIONS.
GRADING PLANS, UTILITIES, LANDSCAPE DESIGN, TENTATIVE

TO HAVE A SECOND FLOOR BELOW GRADE.

MAP AND SUBDIVISION AS PROPOSED.

RECEIVED

JUL 2 0 2005

PLANNING DIVISION

CONSTITUTION INFO

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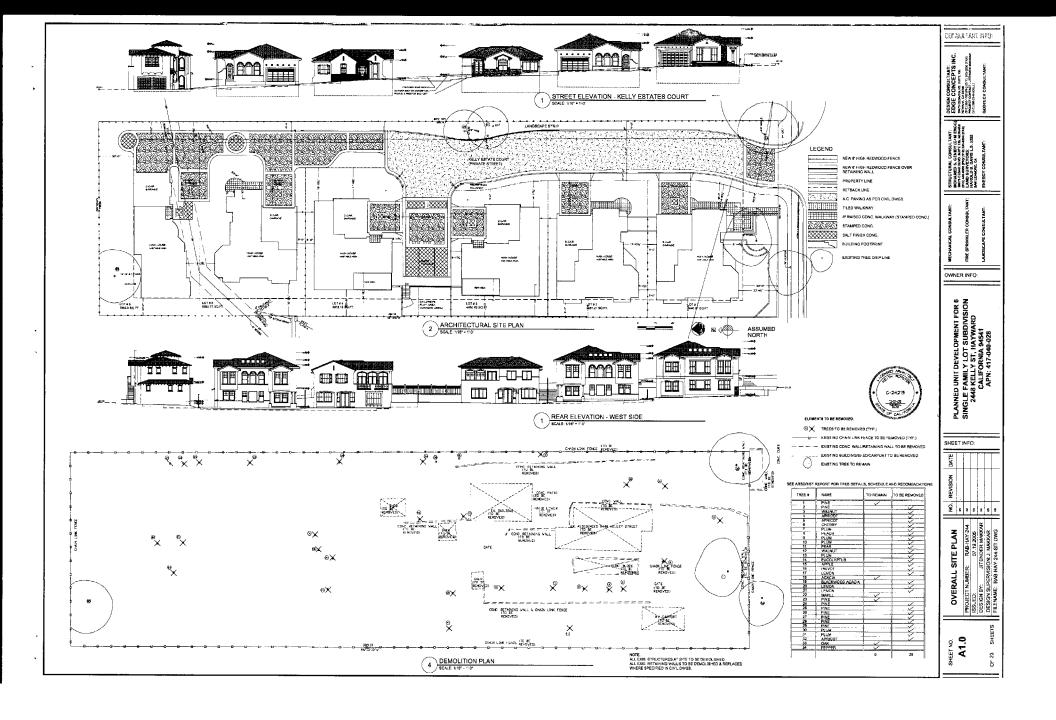
STRUCTURAL CONSULTANT:
MONAMERO S, GENERAL (GAR-BOLG)
WAS ARRED S, GENERAL (GAR-BOLG)
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HAROLD B, DAYS LS, TSC
ENERGY CONSULTANT:

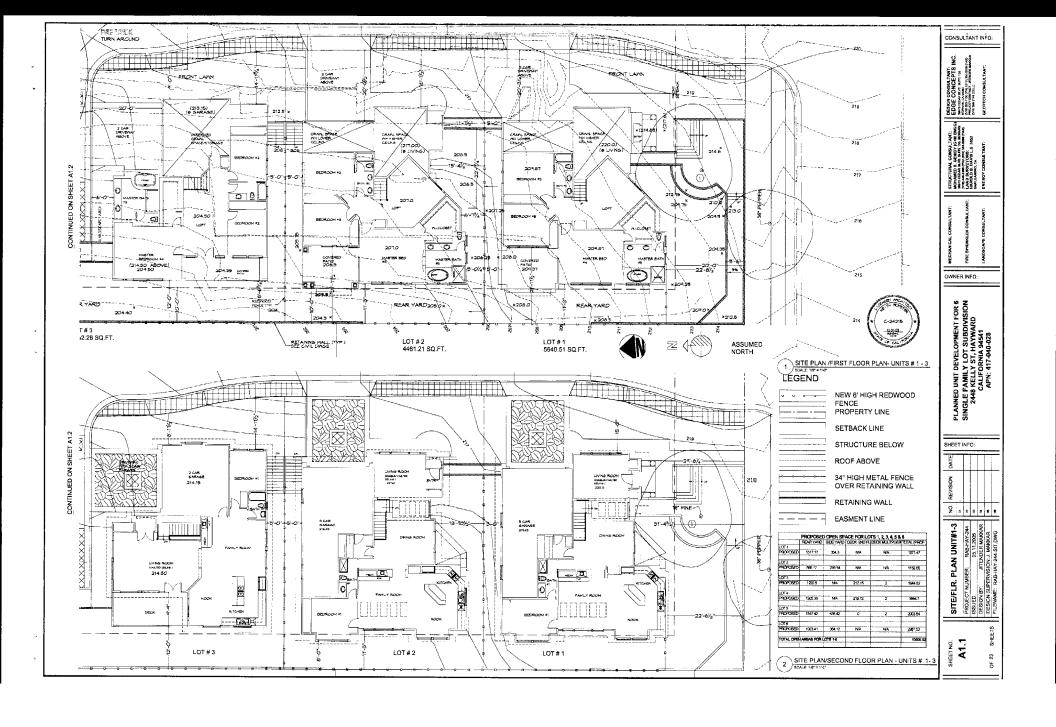
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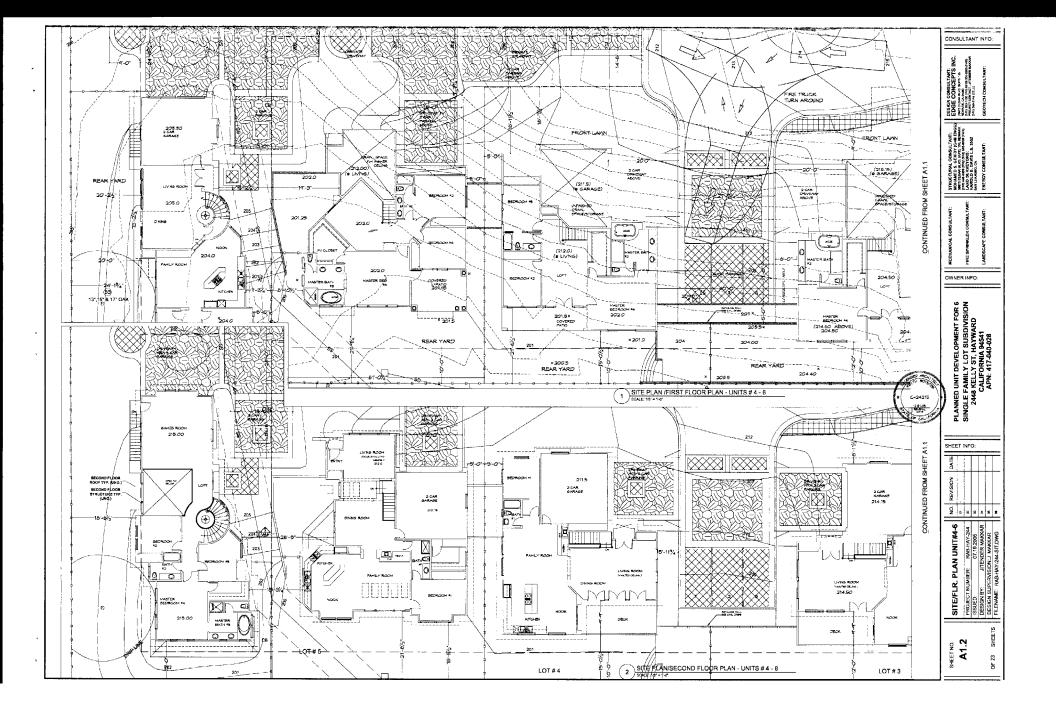
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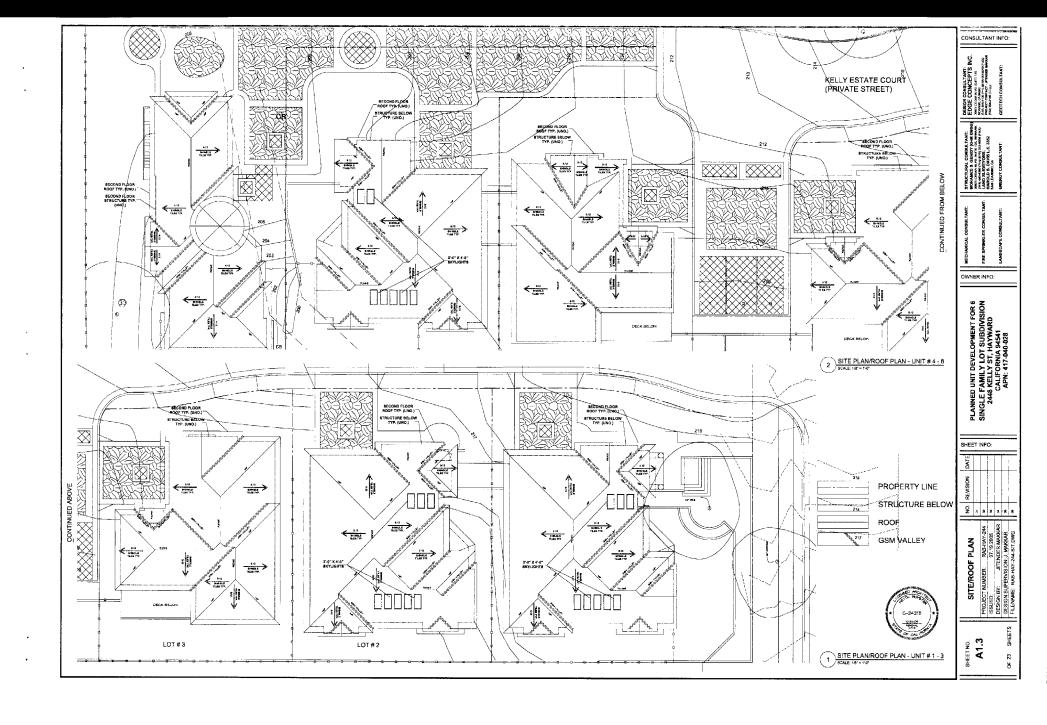
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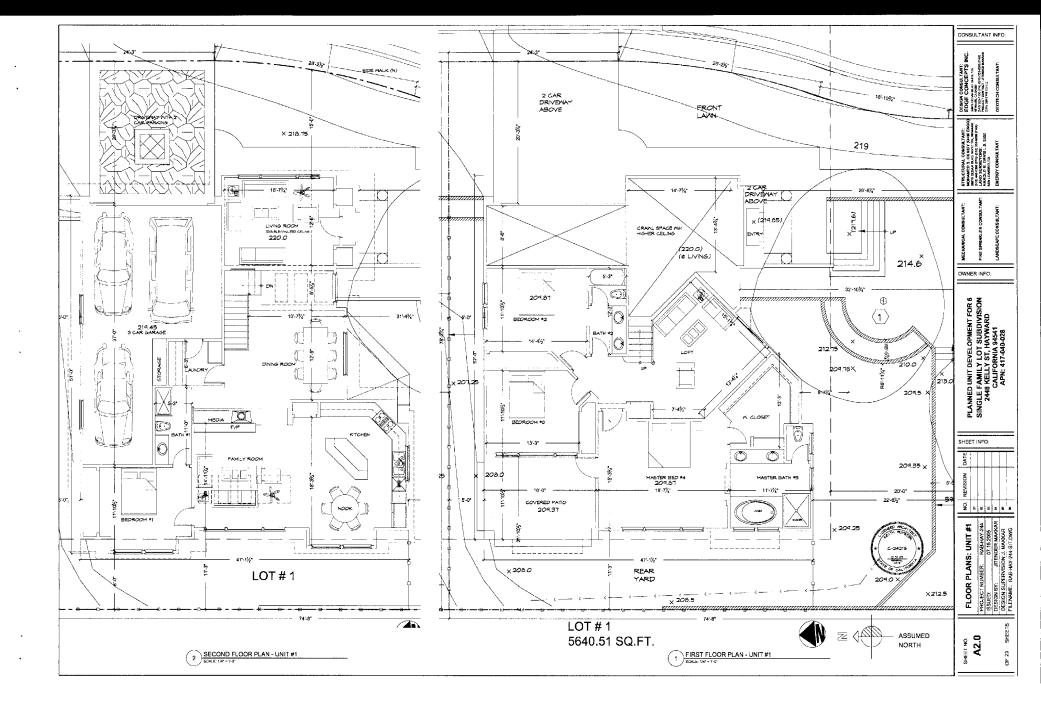
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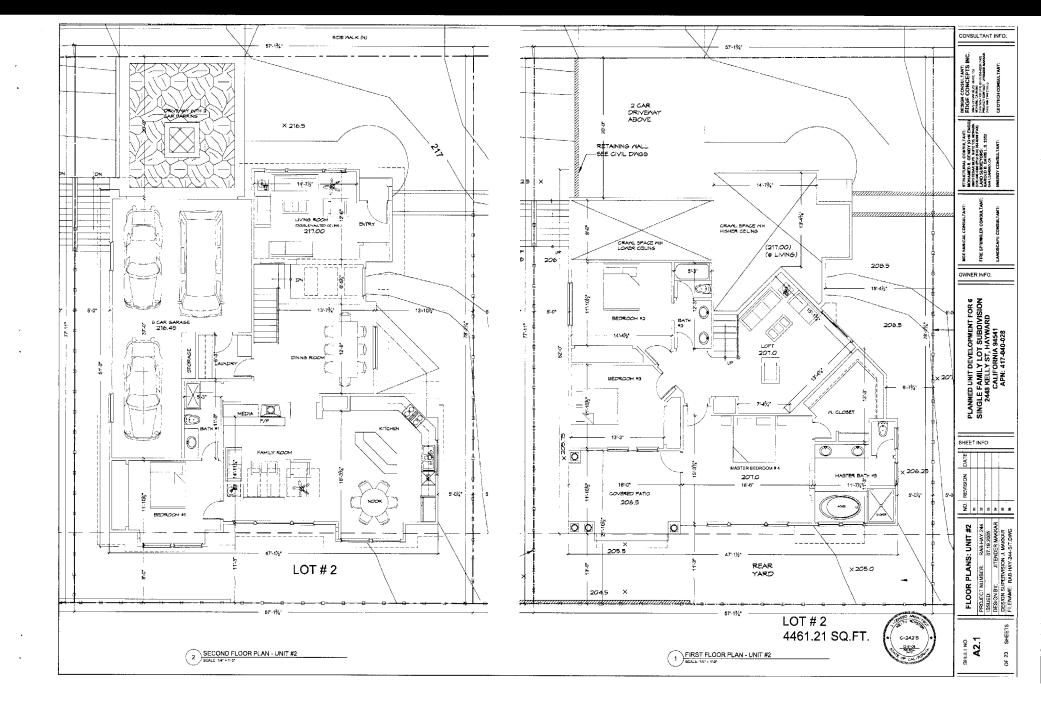


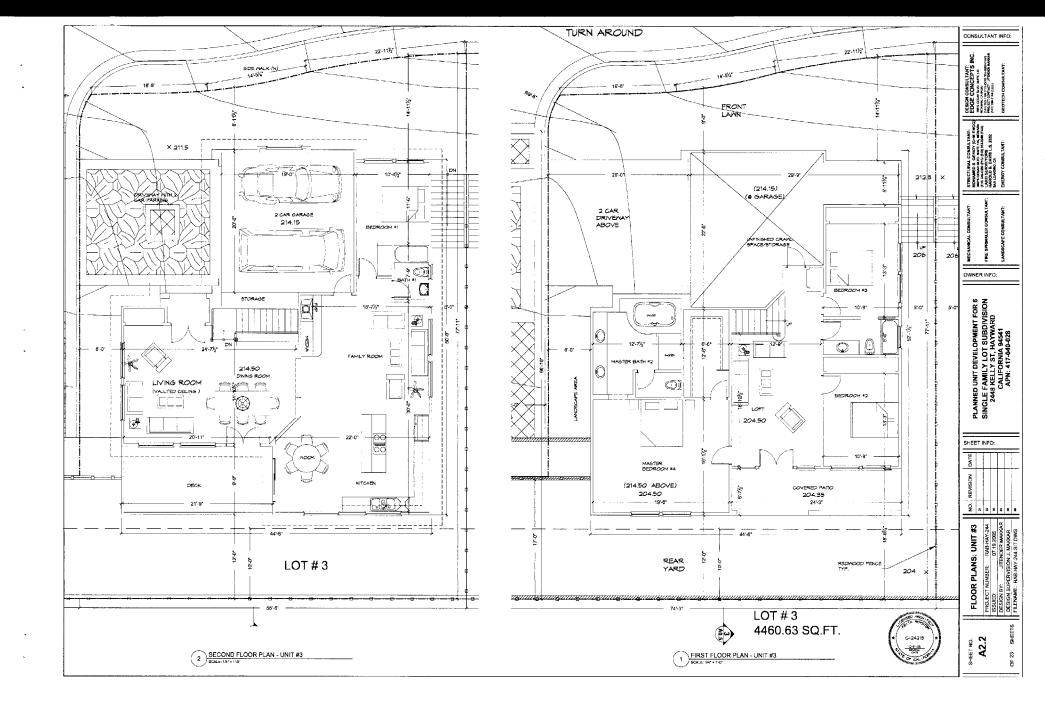


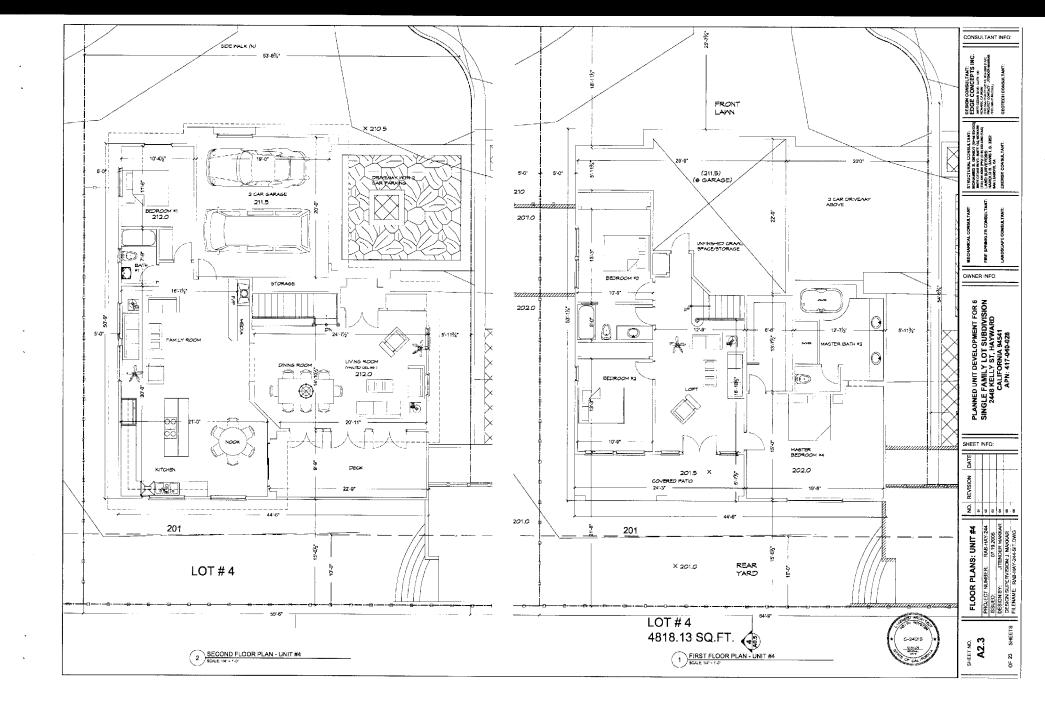


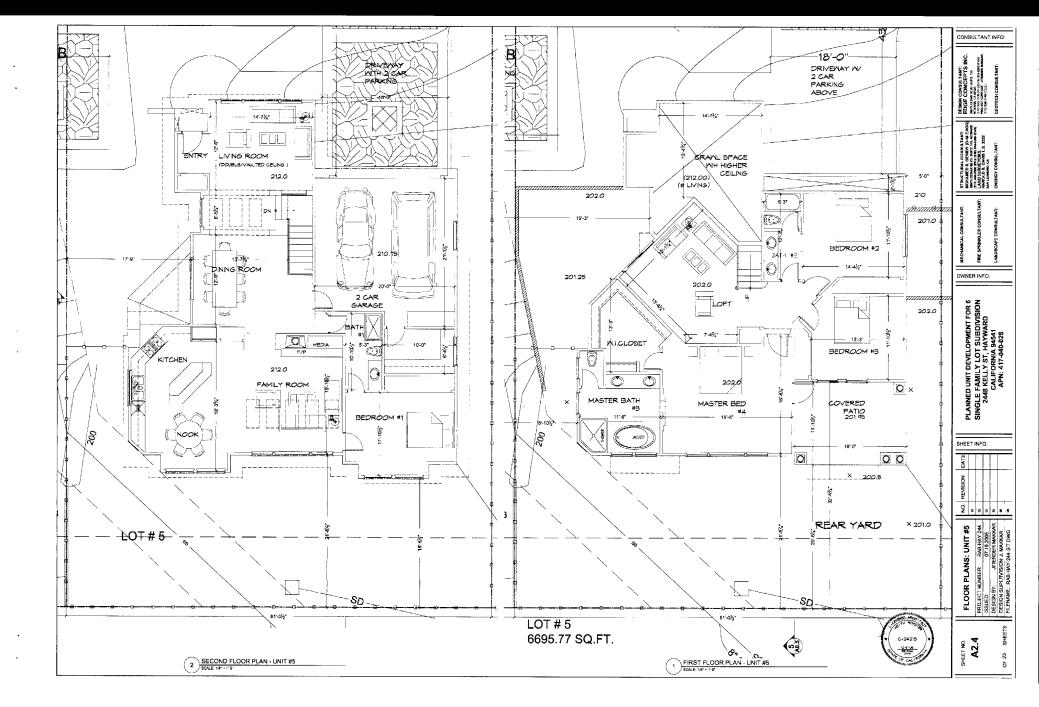


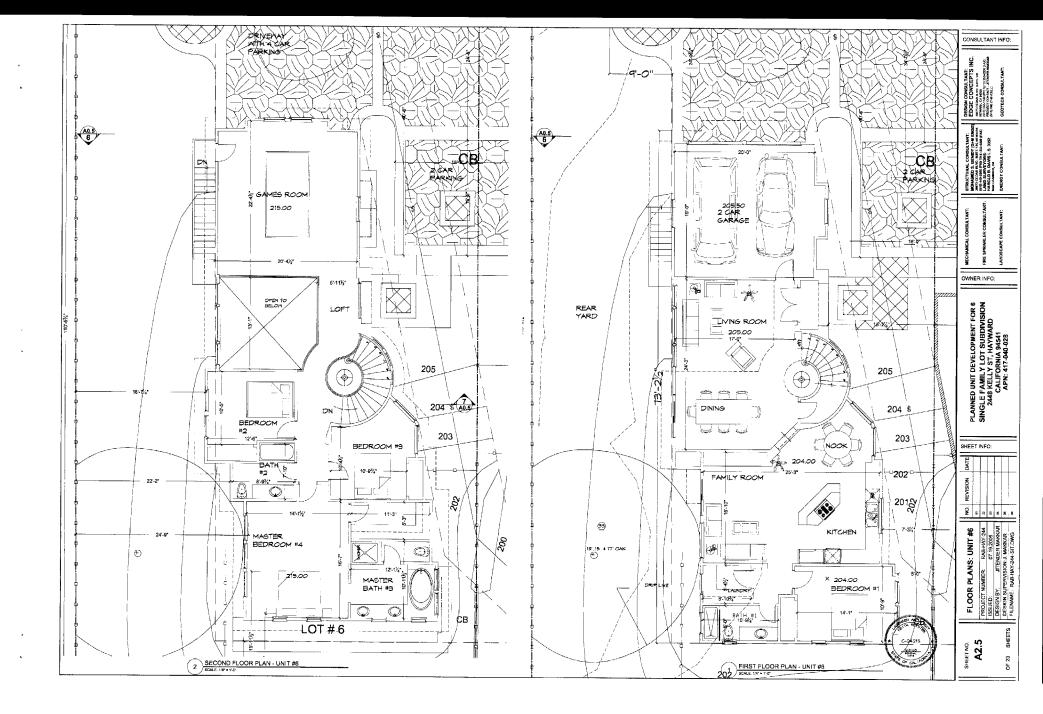






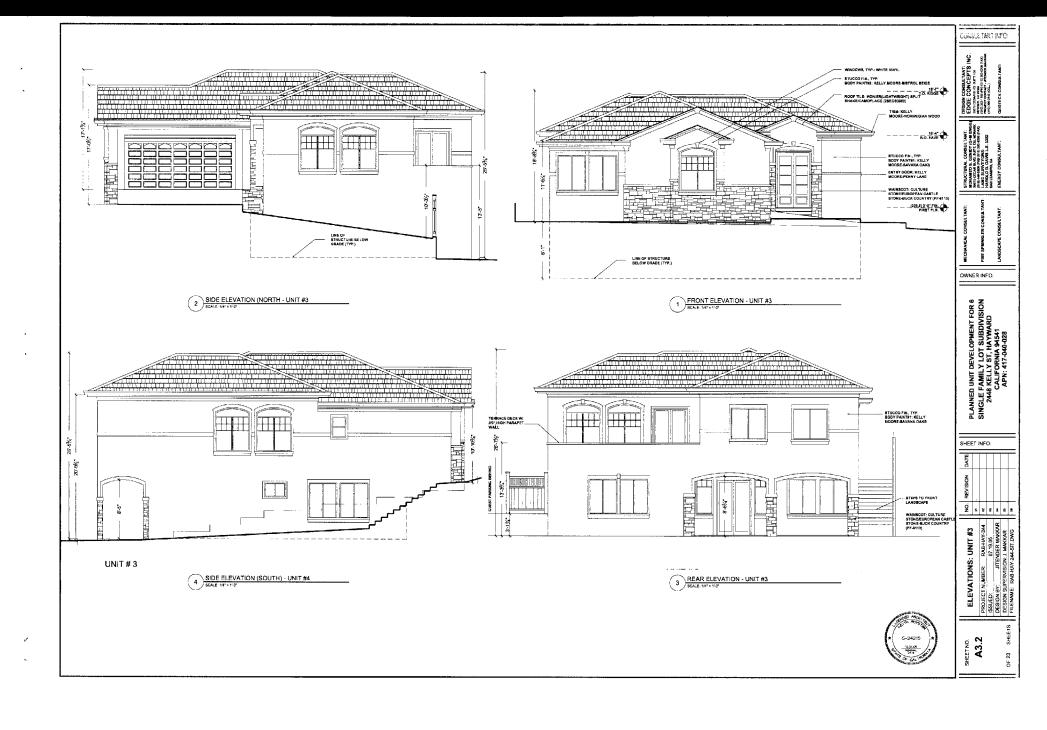








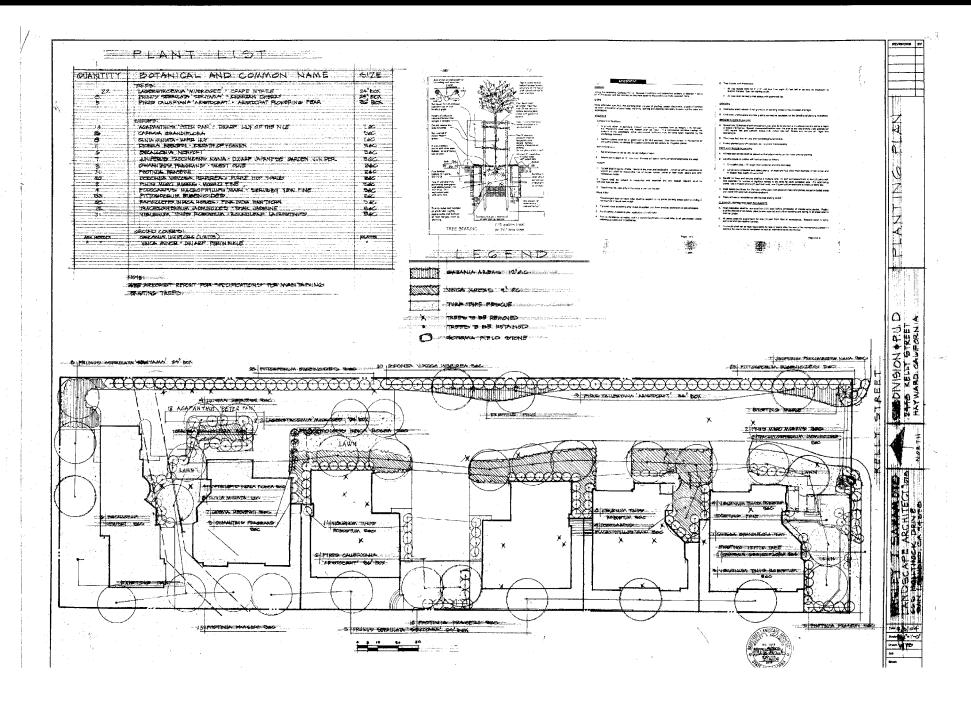


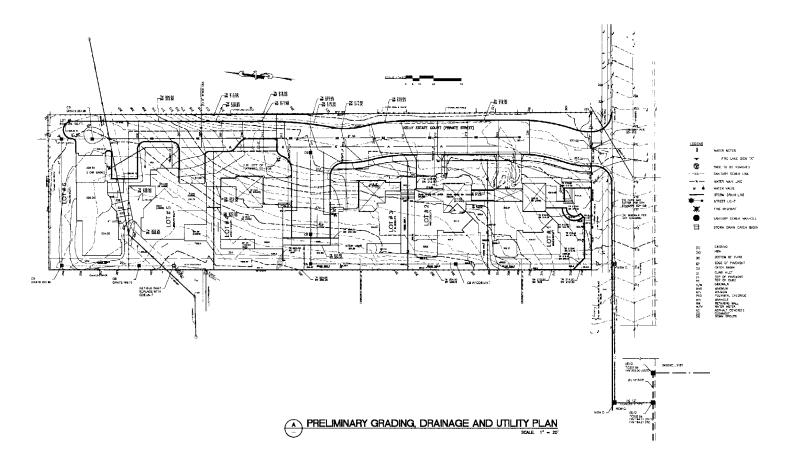












BENCH MARK

STATION IS BRASS PIN IN A STANDARD CITY OF HAYMARD MONUMENT SET BELOW THE PARKELENT IN A STANDARD CASTING ON THE WOULDERT LINE OF PETS SOUTHTREY MASSIRED A ROCH ANGLES PROW THE CENTER LINE OF KELLLY SINEEL AND ON THE MONUMENT LINE TO FLEE ESSIERLY MASSINED AT MICH "MICHES FROM THE CENTER LINE TO FLEE ESSIERLY MASSINED AT MICH "MICHES FROM THE CENTER LINE TO MONOME MAY, ELECULES FROM THE CENTER LINE OF LOWARD MAY, ELECULES FROM THE CENTER LINE OF LINE O

GRADING PLAN NOTES

- ALL GRADING SHALL CONFORM TO THE CITY SPECIFICATIONS
- EVBANKWENT CONSTRUCTION SHALL CONFORM "O SECTION 19-8 OF THE STATE OF CALIFORNIA STANDARD SPECIFICATIONS." THE MINUMENT FALL DENSITY COMPACTION WILL BE IN ACCORDANCE WITH ASTV D-1557-78. GRADES SHALL NOT BE WORE THAN 0.1 FEET LOWER NOR 0.1 FEET HIGHER THAN THE ELEVATION INDICATED ON THIS PLAN.
- CONTRACTOR VILL 3E RESONSIBLE FOR AFFOLATE TEMPORARY DRAIMAGE FACILITIES DURING RAINY SEASON OPERATIONS AND PROTECT ALL GRADEO AREAS FROM ERISSION. THE CONTRACTOR SHALL REPAIR AREAS OF ERUSION PHILOR TO ACCEPTANCE OF THE FIRM. PRADING WORK.
- THE FIRML GRAIN'S WORK.

 THE CONTRACTOR NAV/OR HS SUBCONTRACTORS SHALL PREVENT HE FORWARD NO ANY ARBORNE DUSI NU SANCE AT ALL INNES. HEY SHALL DO SO BY WARE AND HE STY ANY SAAL INAMEMON DUST CONTROL EQUIPMENTS ON THE SITE AT ALL THICS DURING CONSTRUCTION AND DURIE OF THE CONTRACTOR HE DISTANCE OF THE SITE OF THE STANDARD HE WORK UNDER HIS CONTRACT, THE PRICES FOR THE WARROWS TENS OF WORK SHALL INCLUDE PROVIDING DEQUIPMENT THE CONTRACT, THE PRICES FOR THE WARROWS TENS OF WORK SHALL INCLUDE PROVIDING DEQUIPMENT OF THE WARROWS TENS OF WORK SHALL INCLUDE PROVIDING DEQUIPMENT DUST CONTROL, AS RECURRED BY THE LOCAL ACTION.
- THE CONTRACTOR SHALL ESTIMATE THE EARTH WORK CLANTITIES TO THEIR SATISFACTION PRIOR TO THE START OF CONSTRUCTION AND TO THE START OF CONSTRUCTION AND THE START OF CONSTRUCTION AND THE START OF THE STA
- ANY EXISTING WELLS ON THE PROPERTY BEING DEVELOPED SHALL BE SEALED AND ABANDONED PER COUNTY HEALTH DEPARTMENT REQUIREMENTS.
- ANY DEVIATION FROM APPROVED PLANS DURING CONSTRUCTION WILL REQUIRE APPROVAL BY THE CITY ENGINEER.
- TOPSOIL SHALL BE STOCKPLED AT A LOCATION DIRECTED BY THE SOILS ENGINEER PROPETTO COMPLETION OF GRADING. ALL STOCKPILE SHALL BE REPUMPED FROM THE GRADING AREA.
- ALL FILL SLOPES SMALL BE 2:1 WAXIMUM AND OUT SLOPES TO BE 2:1 MAXIMUM, UNLESS NOTED OTHERWISE ON THE PLANS.
- CRADE BREAKS AT TOPS AND TOES OF CUT AND FILL SLOPES SHALL BE REROUNDED TO PRESENT A SMOOTH NATURAL APPEARANCE.
- THE CONTRACTOR SHALL RESTORE SLOPES AND ON-SITE AND OFF-SITE LANDSCAPING TO THE SATISFACTION OF THE CITY.
- CONSTRUCTION WATER TO HE REQUARED WATER.
- CONSTRUCTION WATER TO BE RECOMED WATER.

 TI SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO WATCH EXISTING STREETS, SURROUNDING LANDSCAPING AND OTHER IMPROVEMENTS WITH A SMOOD PROMED TRANSTON IN PAMMA, CURE AND GUTTER, GRADIN, CIC. AND AWOD ANY ABRUPT OR PATAMENT CHANGES IN GRADES OF CROSS SLOTES, LOW SPOTTS OF PAZARADOUS CONSTITUTED.
- THE CONTRACTOR SHALL OBTAIN A TROE REMOVAL PERMIT FROM THE CITY OF HAYWARD PRIOR TO THE REMOVAL OF ANY TREES.
- THE CONTRACTOR SHALL SUBMIT A CONSTRUCTION BEST MANAGEMEN' PRACTICE (BMP) PROGRAM FOR REVIEW AND APPROVAL BY THE CITY PRIOR TO THE ISSUANCE OF ANY BUILDING OR GRADING PERMITS.



39675 CEDAR BLVD SUITE 135 NEWARK, CA 94560 TEL. (510) 440-0300 FAX (510) 353-0200

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PROJECT KELLY ESTATE 2448 KELLY ST. HAYWARD, CA 94541

TRACT 7608



GRADING, DRAINAGE AND UTILITY PLAN

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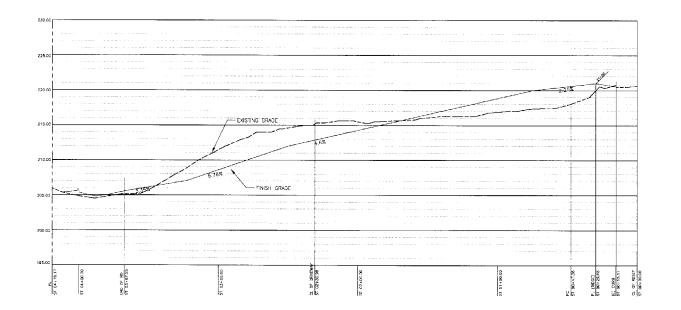
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TRACT 7608



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